

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00104-MR-DLH**

**PATRICIA BLOKER MACHNIK,**

**Plaintiff,**

**vs.**

**UNITED STATES DEPARTMENT OF  
INTERIOR and SALLY M. JEWELL,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendants' Motion to Substitute Party [Doc. 6] and the Magistrate Judge's Memorandum and Recommendation [Doc. 13] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendants' motion to substitute and to submit a recommendation for its disposition.

On November 28, 2016, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the motion to substitute. [Doc. 13]. The

parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

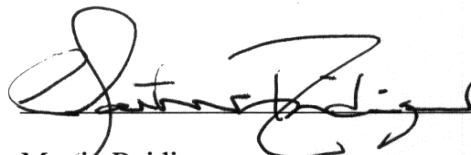
After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the motion to substitute be granted and the United States be substituted as the party defendant.

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 13] is **ACCEPTED**; the Defendants' Motion to Substitute Party [Doc. 6] is **GRANTED**; and the United States is hereby substituted as the party defendant in this action.

**IT IS FURTHER ORDERED** that the Department of Interior and Sally M. Jewell are hereby **DISMISSED** from this action.

**IT IS SO ORDERED.**

Signed: March 3, 2017

  
Martin Reidinger  
United States District Judge

